

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SIOBHAN MORROW and ASHLEY
GENNOCK, on behalf of themselves and
all others similarly situated,

Plaintiffs,

-v-

ANN INC.,

Defendant.

16-CV-3340 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

On April 25, 2018, this Court entered a Final Approval Order approving the parties' settlement agreement in this class action. (Dkt. No. 84.) Plaintiffs now move (1) for correction of the Final Approval Order to state that the Court considered and overruled each of the objections to the settlement, and (2) for reconsideration of the award the amount of attorney's fees and expenses.

First, Rule 60(a) of the Federal Rules of Civil Procedure provides that a court "may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record." Fed. R. Civ. P. 60(a). A Rule 60(a) correction is the appropriate vehicle "to conform [an] order to 'the contemporaneous intent of the court.'" *In re Marc Rich & Co. A.G.*, 739 F.2d 834, 837 (2d Cir. 1984) (quoting *Jackson v. Jackson*, 276 F.2d 501, 503 (D.C. Cir. 1960)).

The Court held a fairness hearing on April 19, 2018, to consider the proposed settlement and objections. For the reasons stated at the hearing and in the Final Approval Order, the Court found that "the Settlement is fair, reasonable, and adequate and is in the best interests of the Settlement Class." (Dkt. No. 84 at 3.) Consequently, the Court considered and overruled, albeit

implicitly, the three objections to the settlement. The Court GRANTS Plaintiffs' motion to correct the Final Approval Order, and the Final Approval Order is hereby AMENDED to explicitly overrule each of the objections made by the three objectors.

Second, Rule 60(b) permits a court to "relieve a party or its legal representative from a final judgment, order, or proceeding" for "any . . . reason that justifies relief." Fed. R. Civ. P. 60(b).

The Final Approval Order approved "Payment to Class Counsel in the amount of \$1,000,000 for Attorney's Fees, costs, and expenses incurred in prosecution of this Action." (Dkt. No. 84 at 4.) For the reasons stated in Plaintiffs' motion for reconsideration, the Court GRANTS Plaintiffs' motion for reconsideration. The third page of the Final Approval Order is hereby AMENDED to replace the number "\$1,000,000" with the number "\$1,525,000."

The Clerk of Court is directed to close the motion at Docket Number 85.

SO ORDERED.

Dated: May 23, 2018
New York, New York



J. PAUL OETKEN
United States District Judge